

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION**

Reginald C. Sheftall, Jr.,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 8:20-cv-3441-TMC
v.	)	
	)	<b>ORDER</b>
	)	
South Carolina Department of	)	
Corrections; Bryan Stirling, Director,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Reginald C. Sheftall, Jr, a state prisoner proceeding *pro se*, filed this action seeking to challenge his prison conditions and to serve the remainder of his sentence in home confinement. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.), this matter was referred to a magistrate judge for all pretrial proceedings. The magistrate judge construed this action as one brought pursuant 42 U.S.C. § 1983, and entered a proper form order affording Plaintiff the opportunity to correct specified deficiencies in the case and warning Plaintiff that the failure to do so within the time allotted could result in the dismissal of his case. *Id.* The proper form order was sent via U.S. Mail to Plaintiff at the address he provided the court. (ECF No. 7). Plaintiff, however, did not file an amended complaint or otherwise attempt to cure the deficiencies identified by the

magistrate judge. Instead, Plaintiff filed a motion to stay the proceedings to allow him to exhaust administrative remedies because he had not utilized the prison grievance procedure. (ECF No. 8).

On November 2, 2020, the magistrate judge issued a Report and Recommendation (“Report”), recommending that the court dismiss Plaintiff’s action without prejudice and without issuance and service of process because Plaintiff (1) failed to comply with the proper form order and (2) conceded that he failed to exhaust administrative remedies. (ECF No. 11). The Report further recommended that the motion to stay be denied. *Id.* The Report was mailed to Plaintiff at the address he provided to the court. (ECF No. 12). Plaintiff was advised of his right to file specific objections to the Report, (ECF No. 11 at 8), but failed to do so. The time for Plaintiff to object to the Report has now expired.

The magistrate judge’s recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Wimmer v. Cook*, 774 F.2d 68, 72 (4th Cir. 1985) (quoting *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). Nevertheless, “[t]he district court is only required to review *de novo* those portions of the report to which specific objections have been made, and need not conduct *de novo* review ‘when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.’” *Farmer v. McBride*,

177 Fed. App'x 327, 330–31 (4th Cir. April 26, 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)). The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Greenspan v. Brothers Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court finds that Plaintiff's case is subject to dismissal for the reasons set forth in the Report. Accordingly, the court **ADOPTS** the Report (ECF No. 11), which is incorporated herein. This action is hereby **DISMISSED** *without prejudice*. All pending motions are **DENIED** as moot.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
January 20, 2021

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.